

May 28, 2012

Federal Communications Commission  
Wireline Competition Bureau

RE: Request for Waiver of Appeal Deadline  
Funding Year: 2008  
Form 471: 620984  
Funding Request number: 1711150  
El-Hajj Malik El-Shabazz Academy  
Entity Number: 56742

Dear Sirs/Madams:

Upon learning from one of my school's ERATE vendors of your letter, I immediately set out to find the missing correspondence. However, the heart attack that I suffered in late May of 2010 prevented me from responding in a timely fashion. Even with my Doctor's advice to severely cut back on my work I nevertheless made an attempt to correct this matter by calling the helpline and requesting a copy of the letter be sent and began compiling my school's appeal.

On behalf of the staff, students, and parents at El-hajj Malik El-Shabazz (Shabazz) Academy, a small urban school district in Mid Michigan with 97% actual poverty, I respectfully request the FCC waive the 60 day Appeal deadline and Commitment Adjustment dated 4/27/2010 which references the Red Light Rule being applied to Shabazz and all of its applications, which references 2008 471 application 620984 and Funding Request Number 1711150.

The underlying circumstances behind this request for waiver occurred as a result of an exceptional personal life threatening medical emergency stemming from the stress and duress of working 18 hour days and not taking appropriate time during breaks to relax. The overwork and stress involved resulted in my having a heart attack and being incapacitated and under doctor's care for two months beginning in May 2010. When I returned in July that is when I began the appeal process. Before my health scare in addition to managing all of the day to day affairs at Shabazz, I was also responsible for overseeing staffing, transportation, the technology network, technology planning, grant solicitation, purchases, title one, professional development activities, as well as managing the operating budget and complying with all SLD and FCC related communications. Since that time my board has given me additional administrative support personnel and my schedule is not as packed.

The SLD website verifies that all forms 470, 471, 486, 500, and PIA questionnaires during the 2008 funding year were timely submitted pursuant to required deadlines. This is irregardless of whether they arrived during summer break, during our busiest time the first week of school, or on holiday or

summer breaks when our school is closed. Responses from Shabazz were timely even when impacted by multiple Program integrity Review series of questions being answered prior to the approval.

#### Appeal of Cost Effectiveness Complaint

1) Once our 470 was posted, we received one bid which was from American Internet Group (AIG). Considering the activities found in our plan, and relative to the needs of our 97% low income student population and staff, we determined that the bid proposal was fair and cost effective. Hence AIG was approved.

2) SLD's own in house application monitor, Program Integrity Assurance, approved the cost for the items after the service provider and my staff and I satisfactorily answered several sets of questions.

3) When compared with similar sized schools Shabazz's costs appear to be quite reasonable. See Exhibit 2.

4) SLD approved our 2009 applications (Wave 86) for internet access for the same exact amount as the 2008 application in question.

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#### Appeal of Reasonableness of Technology Plan

Our school's technology plan has as its focus equitable technology implementation, equal access and equitable distribution of human and financial resources for an underserved population, 97% poverty rate, and a 99% underserved minority student body. Throughout the plan we placed emphasis on identifying human and technical resources that would enable our students to bridge the digital gap that exists at Shabazz Academy.

Upon completion of the technology plan we submitted it to the Ingham Intermediate School District's technology office for review wherein it was approved after we made a couple of changes (See Exhibits 3 and 4). The plan also received approval from the Michigan Department of Education wherein they notified SLD of its approval. At no time did SLD inform my school or either of the two approving parties that the technology plan was unacceptable.

Additionally, our request for continuation of T1 high speed internet is reasonable and exactly what is called for in our technology plan dating back to 2002. The need to switch from Michigan State University's lower cost internet service was because of the constant hacking from students and others on their network – resulting in significant downtime for our program making online testing and web collaboratives impossible.

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Shabazz respectfully requests the FCC grant a one time waiver of the Appeal Deadline for the April 27<sup>th</sup>, 2010 letter and related COMAD. The loss of this funding due to non delivery of the US Mail compounded by my heart attack and medical incapacitation for 2 months will result in a significant

detrimental impact to the over 97% (actual poverty as defined by the qualifications for free and reduced lunch) economically challenged students and their parents serviced by our small urban school district.

If you have any additional questions, do not hesitate to contact me at 517-267-8474.

Sincerely,

Dr. Eugene L. Cain  
Chief School Administrator



Heart • Heritage • High Aspirations

June 24, 2010

Schools & Libraries Division Correspondence Unit  
100 South Jefferson Road  
PO Box 902  
Whippany, NJ 07981

RE: Form 471 Application Number: 620984  
Funding Year: 2008  
Applicant's Form Identifier  
Billed Entity Number: 56742  
FCC Registration Number: 0014670327  
SPIN: 143025387  
Service Provider Contact Person: Jonathan Edwards

Dear Madam/Sir:

On June 20, 2010, I was informed by Jonathan Edwards, one of our service providers that he was in receipt of a copy of a letter from your office that was mailed to me. The letter's inside address was dated April 27, 2010. Know that I never received the letter. Further the letter is a "Notification of Commitment Adjustment Letter."

Please know that I am herein requesting a copy from you of the letter that was supposedly sent to me. Recognizing the importance of this letter, I would appreciate you sending it via "certified mail" to my attention.

Finally, know that upon receipt of the forementioned letter, we will appeal, the Commitment Adjustment Decision based on the fact that all USAC guidelines were followed and the total cost was well within the budget of similar sized Michigan schools.

Thanks for your prompt attention to this matter.

Sincerely,

Eugene L. Cain, Ed.D.  
Chief School Administrator

## Award Comparisons

07

University Prep in Detroit asked for \$520K for internet and received \$416K along with co-pay (5 locations and 1226 students) way less cost effective than 2008 Shabazz (AIG) price.

05

University Prep in Detroit asked for \$47,25 for internet and received \$42,960 along with co-pay (1030 students).

04

Timbuktu Academy in Detroit asked for \$49,818 for internet and received \$44,836.20 along with co-pay (1 location and 274 students).

Marilyn Lundy Academy in Detroit asked for \$51,981.96 for internet and received \$46,783.76 along with co-pay (1 location and 110 students).

## Exhibit 3

From: Daryl Tilley <DTILLEY@inghamisd.org>  
Subject: **Technology Plan**  
Date: December 9, 2008 9:51:46 AM EST  
To: eugenecain@mac.com

Dr. Cain,

I have completed my review of your technology plan and I would like to say you and your team did a great job. I need one area clarified before I can approve it and send it on to the state.

Item 31 in the checklist discusses detailed budgeting for the years covered by the plan. On pages 16-17 the dates covered by these sections are listed as follows:

Phase 1 reads "200372008"

Phase 2: reads "2007/1008"

Phase 3: reads "2008/2009"

I assume there is a typo and these should be 07/08, 08/09, and 09/10. Can you correct this and resubmit the plan?

Also, the detailed budget for each year should include salaries and benefits, so I would suggest including any stipend to the teacher/technology facilitator receives for technology support.

Once you have made these corrections you will have to resubmit the plan online, after which I can quickly approve the plan and send it on to the next level (MDE).

Please contact me with any questions or concerns.

Daryl

Daryl Tilley  
Supervisor, Information Systems  
Ingham Intermediate School District  
2630 W. Howell Rd.  
Mason, MI 48854  
517-244-1278